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UTSTARCOM, INC., HONG LIANG LU,
YING WU, MICHAEL SOPHIE, THOMAS TOY,
and FRANCIS BARTON

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PETER RUDOLPH, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

UTSTARCOM, HONG LIANG LU, YING WU,
MICHAEL SOPHIE, THOMAS TOY, and
FRANCIS BARTON,

Defendants.

CASE NO.: C-07-4578 SI

**[PROPOSED] ORDER GRANTING
DEFENDANTS' MOTION TO
DISMISS PLAINTIFF'S AMENDED
CLASS ACTION COMPLAINT**

Date: April 4, 2008

Time: 9:00 p.m.

Before: Hon. Susan Illston

1 Defendant UTStarcom, Inc. ("UTSI" or the "Company") and Defendants Hong Liang Lu,
2 Ying Wu, Michael Sophie, Thomas Toy, and Francis Barton (the "Individual Defendants") have
3 moved this Court to dismiss the Amended Class Action Complaint, pursuant to the Private
4 Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4, *et seq.*, and Rule 12(b)(6) of the
5 Federal Rules of Civil Procedure.

6 The Court, having considered the briefs and other documents in support of and in
7 opposition to the motion, having heard the arguments of counsel, and being fully advised in this
8 matter finds as follows:

9 IT IS HEREBY ORDERED that Defendants' Motion to Dismiss Plaintiff's Amended
10 Class Action Complaint is GRANTED. The Amended Class Action Complaint is dismissed in
11 its entirety as to all Defendants.

12 IT IS SO ORDERED.

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14 Dated:

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18 The Honorable Susan Illston
United States District Judge
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